

ORDINANCE NO. 965

AN ORDINANCE OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING A SOLID FUEL HEATING APPLIANCE ORDINANCE IN THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO; ESTABLISHING AN AIR QUALITY DESIGNATION AND ALERT CRITERIA; PROVIDING FOR PUBLIC NOTIFICATION OF AIR QUALITY ALERTS; PROHIBITING CERTAIN TYPES OF BURNING DURING AN AIR QUALITY ALERT; PROVIDING FOR A THREE-HOUR BURN DOWN PERIOD; PROVIDING FOR EXEMPTIONS TO THE AIR QUALITY ALERT PROVISIONS; PROVIDING DUE PROCESS FOR DENIAL OF PERMIT OR EXEMPTION; PROVIDING FOR MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES; AND, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO:

SECTION 1
DEFINITIONS

AIR POLLUTION: THE PRESENCE IN THE OUTDOOR ATMOSPHERE OF ANY CONTAMINANT OR COMBINATIONS THEREOF IN SUCH QUALITY OR OF SUCH NATURE AND DURATION AND UNDER SUCH CONDITIONS AS WOULD BE INJURIOUS TO HUMAN HEALTH OR WELFARE, TO ANIMAL OR PLANT LIFE, OR TO PROPERTY, OR TO INTERFERE UNREASONABLY WITH THE ENJOYMENT OF LIFE OR PROPERTY.

BUILDING: ANY STRUCTURE, DWELLING, OFFICE, INDUSTRIAL PLANT, GARAGE, OR BARN, WHETHER PUBLICLY OR PRIVATELY OWNED OR ANY OTHER STRUCTURE AS DEFINED BY THE UNIFORM BUILDING CODE AS ADOPTED BY TITLE 8 CHAPTER 1 OF THE SANDPOINT CODE.

BURN DOWN: THAT PERIOD OF TIME FOLLOWING AN AIR POLLUTION ALERT REQUIRED FOR THE CESSATION OF COMBUSTION WITHIN ANY SOLID FUEL HEATING APPLIANCE OR ANY OUTDOOR FIRES OR BURNING OR INCINERATION INCLUDED WITHIN THIS ORDINANCE.

CLEAN BURNING APPLIANCE: A SOLID FUEL HEATING APPLIANCE THAT HAS EPA PHASE II APPROVAL AND HAS BEEN PLACED ON THE LIST OF APPROVED CLEAN BURNING APPLIANCES MAINTAINED BY THE CITY BUILDING INSPECTOR.

ECONOMIC HARDSHIP: FIFTY PERCENT (50%) OR LESS OF SANDPOINT'S MEDIAN INCOME AS ESTABLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

HEAT OUTPUT: THE BTU/HOUR OUTPUT OF A SOLID FUEL HEATING APPLIANCE MEASURED UNDER TESTING CRITERIA AS ADOPTED BY THE CITY BUILDING DEPARTMENT.

OPEN BURNING: THE COMBUSTION OF ANY MATERIAL NOT CONTAINED IN A HEATING APPLIANCE OR INCINERATOR.

ORDINANCE NO. 965

PARTICULATE MATTER: GAS-BORNE PARTICLES RESULTING FROM INCOMPLETE COMBUSTION, CONSISTING PREDOMINATELY, BUT NOT EXCLUSIVELY, OF CARBON AND OTHER COMBUSTIBLE MATTER.

REFUSE: ALL SOLID WASTES, GARBAGE AND RUBBISH, INCLUDING, BUT NOT LIMITED TO, CARDBOARD, PLASTIC, RUBBER, STYROFOAM, PETROLEUM PRODUCTS, FOOD STUFF, CHRISTMAS TREES, YARD DEBRIS OR CHEMICALLY TREATED WOOD.

REFUSE INCINERATOR: ANY DEVICE DESIGNED OR OPERATED TO REDUCE THE VOLUME OF REFUSE. NATURAL GAS-FIRED PATHOLOGICAL INCINERATORS ARE EXCLUDED.

SOLE SOURCE: ONE OR MORE SOLID FUEL HEATING DEVICES WHICH CONSTITUTE THE ONLY SOURCE OF HEAT IN A BUILDING FOR THE PURPOSE OF SPACE HEATING. NO SOLID FUEL HEATING DEVICE(S) SHALL BE THE SOLE SOURCE OF HEAT IF THE BUILDING IS EQUIPPED WITH A PERMANENTLY INSTALLED FURNACE OR HEATING SYSTEM DESIGNED TO HEAT THE BUILDING THAT IS CONNECTED OR UNCONNECTED FROM ITS ENERGY SOURCE, UTILIZING OIL, NATURAL GAS, ELECTRICITY OR PROPANE.

SOLID FUEL: NON-LIQUID COMBUSTIBLE MATERIAL INCLUDING WOOD, COAL, PRESSED LOGS, PELLET FUEL, BUT EXCLUDING ITEMS DEFINED HEREIN AS REFUSE.

SOLID FUEL HEATING APPLIANCE: AN ENCLOSED DEVICE DESIGNED FOR SOLID FUEL COMBUSTION THAT IS EPA PHASE-TWO APPROVED. EXPLICITLY EXCLUDED ARE FURNACES, BOILERS, COOK STOVES, MASONRY HEATERS AND OPEN FIRE PLACES.

WEIGHTED AVERAGE: THE WEIGHTED AVERAGE OF THE TEST RESULTS OF THE DISTRIBUTION OF THE HEATING NEEDS IN THE CITY OF SANDPOINT AS CALCULATED BY THE BUILDING DEPARTMENT.

WORKING DAY: MONDAY THROUGH FRIDAY.

SECTION 2
AIR QUALITY DESIGNATIONS AND ALERT CRITERIA

A. THE QUALITY OF SANDPOINT'S AIR SHALL BE DETERMINED BY MONITORING POLLUTANT LEVELS WITH EQUIPMENT AND METHODS APPROVED BY THE IDAHO STATE AIR QUALITY BUREAU.

B. THE QUALITY OF SANDPOINT'S AIR SHALL BE DESIGNATED ACCORDING TO THE FOLLOWING TABLE "PM10" INDICATES PARTICULATE MATTER WITH AN AERODYNAMIC DIAMETER LESS THAN OR EQUAL TO 10 MICRON:

ORDINANCE NO. 965

HEALTH EFFECT
DESIGNATION

PM 10 CONCENTRATIONS
24-HOUR (UG/M3)

| | |
|------------------|-----------|
| GOOD | 0 - 50 |
| MODERATE | 51 - 150 |
| UNHEALTHFUL | 151 - 350 |
| VERY UNHEALTHFUL | 351 - 420 |
| HAZARDOUS | >420 |

C. IN ORDER TO PREVENT THE EXISTENCE OF AIR QUALITY THAT IS UNHEALTHFUL, AN AIR POLLUTION "ALERT" WILL BE DECLARED WHENEVER THE IDAHO STATE AIR QUALITY BUREAU MEASURES LEVELS OF PM 10 CONCENTRATIONS EXCEEDING 100 MICROGRAMS PER CUBIC METER (UG/M³) AND FORECASTS AIR STAGNATION AND CONDITIONS CONTINUING FOR AT LEAST TWENTY-FOUR (24) HOURS.

SECTION 3
PUBLIC NOTIFICATION

WHENEVER AIR POLLUTION ALERT CONDITIONS ARE MET, LOCAL PRINT, RADIO, AND TELEVISION NEWS MEDIA WILL BE NOTIFIED. ANNOUNCEMENTS OF THE EXISTENCE OF AN AIR POLLUTION "ALERT" WILL BE MADE BY THE NEWS MEDIA DURING REGULARLY SCHEDULED BROADCASTS AND IN ALL EDITIONS OF THE OFFICIAL NEWSPAPER OF THE CITY OF SANDPOINT.

SECTION 4
BURNING SOLID FUEL OR REFUSE

- A. NO PERSON SHALL CAUSE OR ALLOW REFUSE OR COAL TO BE BURNED IN A SOLID FUEL HEATING APPLIANCE DESIGNED FOR WOOD FUEL.
- B. NO PERSON SHALL CAUSE OR ALLOW A REFUSE INCINERATOR TO BE OPERATED CONTRARY TO DESIGN SPECIFICATIONS AND MANUFACTURERS' INSTRUCTIONS.

SECTION 5
AIR QUALITY ALERT - ADDITIONAL RESTRICTIONS

AT THE ONSET AND DURING THE PENDENCY OF A DECLARED AIR QUALITY "ALERT", THE FOLLOWING ADDITIONAL RESTRICTIONS SHALL APPLY:

- A. NO PERSON SHALL CAUSE OR ALLOW, AFTER A THREE (3) HOUR "BURN DOWN" PERIOD, THE OPERATION OF A SOLID FUEL HEATING APPLIANCE OR OPEN FIRE PLACE, UNLESS AN EXEMPTION HAS BEEN GRANTED BY THE BUILDING DEPARTMENT.
- B. NO PERSON SHALL CAUSE OR ALLOW THE OPERATION OF A SOLID WASTE INCINERATOR.

ORDINANCE NO. 965

C. NO PERSON SHALL CAUSE OR ALLOW OPEN BURNING OF REFUSE.

SECTION 6
AIR QUALITY ALERT EXEMPTIONS

A. THE BUILDING DEPARTMENT SHALL GRANT EXEMPTIONS FROM THIS ORDINANCE IF IT IS DIRECTED BY THE BUILDING INSPECTOR OR HIS DESIGNATED REPRESENTATIVE THAT:

1. A SOLID FUEL HEATING APPLIANCE IS THE SOLE SOURCE OF HEAT FOR THE BUILDING IN WHICH IT IS SITUATED; OR,

2. USING ALTERNATIVE HEATING WOULD CAUSE AN UNREASONABLE ECONOMIC HARDSHIP; OR,

3. THE SOLID FUEL HEATING APPLIANCE IS LISTED BY THE BUILDING DEPARTMENT AS A CLEAN BURNING APPLIANCE.

B. ANY PERSON DENIED AN EXEMPTION UNDER THIS CHAPTER SHALL BE PROVIDED, AT THE OPTION OF THE APPLICANT FOR EXEMPTION, A HEARING BEFORE THE CITY COUNCIL AS PROVIDED FOR IN THIS CHAPTER.

C. ANY BUILDING CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL NOT BE ELIGIBLE FOR AN EXEMPTION UNDER SUBSECTIONS 1 AND 2 ABOVE.

SECTION 7
SOLID FUEL HEATING APPLIANCE PERMITS

A. IT SHALL BE UNLAWFUL FOR ANY PERSON IN THE CITY OF SANDPOINT TO INSTALL A SOLID FUEL HEATING APPLIANCE IN ANY NEW OR EXISTING STRUCTURE UNTIL FIRST PROCURING FROM THE BUILDING DEPARTMENT A SOLID FUEL HEATING APPLIANCE PERMIT. PERMIT FEES SHALL BE SET BY RESOLUTION ADOPTED BY THE SANDPOINT CITY COUNCIL.

B. IT SHALL BE UNLAWFUL ON OR AFTER JULY 1, 1995, FOR ANY PERSON IN THE CITY OF SANDPOINT TO ADVERTISE FOR SALE, OFFER TO SELL, OR SELL, FOR INSTALLATION IN ANY NEW OR EXISTING BUILDING, OR TO INSTALL OR ALLOW TO BE INSTALLED IN ANY NEW OR EXISTING BUILDING, A SOLID FUEL HEATING APPLIANCE WHICH HAS NOT BEEN CERTIFIED AS CLEAN BURNING BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA).

SECTION 8
DENIAL OF PERMIT OR EXEMPTION

UPON SHOWING OF SUFFICIENT CAUSE TO BELIEVE THAT GROUNDS EXIST FOR DENIAL OF A PERMIT, OR EXEMPTION OF THE RULES AND REGULATIONS OF THE BUILDING DEPARTMENT, AS PROVIDED FOR IN THIS CHAPTER, THE

ORDINANCE NO. 963

BUILDING INSPECTOR OR HIS DESIGNATED REPRESENTATIVE MAY DENY SAID PERMIT OR EXEMPTION BY:

A. NOTIFYING THE APPLICANT BY CERTIFIED MAIL, PERSONAL SERVICE, OR SUBSTITUTED SERVICE OF THE GROUNDS FOR SAID DENIAL AND OF THE APPLICANTS OPPORTUNITY TO APPEAL SAID DENIAL TO THE SANDPOINT CITY COUNCIL.

B. FAILURE OF A PERSON TO ACTUALLY RECEIVE A NOTICE SENT OR SERVED SHALL NOT INVALIDATE THE DENIAL.

C. THE APPLICANT, UPON RECEIVING NOTICE OF THE DENIAL, MAY APPEAL SAID DENIAL BY MAKING APPLICATION FOR A HEARING BEFORE THE SANDPOINT CITY COUNCIL WITHIN TEN (10) WORKING DAYS OF RECEIPT OF ABOVE NOTICE.

SECTION 9

DENIAL HEARING AND DETERMINATION BY THE CITY COUNCIL

THE HEARING SHALL BE BEFORE THE SANDPOINT CITY COUNCIL. AT SUCH HEARING THE APPLICANT MAY PRESENT EVIDENCE, CALL WITNESSES AND BE REPRESENTED BY COUNSEL. WITHIN TEN (10) WORKING DAYS AFTER THE DATE OF THE HEARING, THE CITY COUNCIL SHALL EITHER:

A. UPHOLD THE DENIAL BY THE BUILDING INSPECTOR OR HIS DESIGNATED REPRESENTATIVE; OR,

B. ALLOW THE ISSUANCE OF THE PERMIT OR EXEMPTION WITH MODIFICATIONS OR CONDITIONS AS THE COUNCIL MAY IMPOSE, SUCH MODIFICATIONS OR CONDITIONS TO BE REASONABLY RELATED TO THE USE OF THE PERMIT OR EXEMPTION.

SECTION 10

APPEAL OF DECISION OF THE BOARD

THE DECISION OF THE CITY COUNCIL ON A DENIAL SHALL BE FINAL AND CONCLUSIVE. APPEAL FROM A DECISION OF THE COUNCIL MUST BE MADE TO THE DISTRICT COURT FOR BONNER COUNTY.

SECTION 11

MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES

A. IN NO EVENT SHALL THE STANDARDS FOR CLEAN BURNING SOLID FUEL HEATING APPLIANCES ALLOW A WEIGHTED AVERAGE PARTICULATE EMISSION GREATER THAN:

1. FOR A NEW CLEAN BURNING SOLID FUEL HEATING APPLIANCE WITH A MINIMUM HEAT OUTPUT OF LESS THAN 40,000 BTU PER HOUR WHEN TESTED PURSUANT TO PROCEDURES APPROVED BY THE BUILDING DEPARTMENT:

ORDINANCE NO. 965

a. 7.5 GRAMS PER HOUR FOR A NON-CATALYTIC SOLID FUEL HEATING APPLIANCE.

b. 4.1 GRAMS PER HOUR FOR A CATALYTIC SOLID FUEL HEATING APPLIANCE.

2. CLEAN BURNING SOLID FUEL HEATING APPLIANCES WITH A MINIMUM HEAT OUTPUT OF GREATER THAN 40,000 BTU PER HOUR SHALL NOT EXCEED AN AVERAGE PARTICULATE EMISSION STANDARD EQUAL TO THE SUM OF 8.0 GRAMS PER HOUR PLUS 0.2 GRAMS PER HOUR FOR EACH THOUSAND BTU PER HOUR HEAT OUTPUT.

B. THE BUILDING DEPARTMENT SHALL MAINTAIN A LIST OF APPLIANCES CERTIFIED TO BE CLEAN BURNING.

SECTION 12

REPEAL OF PRIOR ORDINANCES AND CODE SECTIONS IN CONFLICT ANY AND ALL PRIOR AND EXISTING ORDINANCES AND CODE SECTIONS OF THE REVISED MUNICIPAL CODE OF THE CITY OF SANDPOINT IN CONFLICT HERewith BE AND ARE HEREBY REPEALED.

SECTION 13
SEVERABILITY

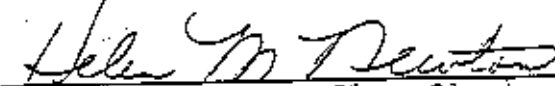
IF ANY PORTION OF THIS CHAPTER IS HELD INVALID, IT IS THE INTENT OF THE CITY OF SANDPOINT THAT SUCH PART SHALL BE DEEMED SEVERABLE AND THE INVALIDITY SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS CHAPTER.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON ITS PUBLICATION ACCORDING TO LAW IN THE BONNER COUNTY DAILY BEE, THE NEWSPAPER OF GENERAL DISTRIBUTION IN BONNER COUNTY, IDAHO, AND HEREBY DECLARED TO BE THE OFFICIAL NEWSPAPER FOR THE PUBLICATION OF THIS ORDINANCE.

ADOPTED this 21st day of February, 1995.


Ronald Chaney, Mayor

ATTEST:


Helen M. Newton, City Clerk

No.: 95-06
Date: February 21, 1995

RESOLUTION
OF THE CITY COUNCIL
CITY OF SANDPOINT

TITLE: SOLID FUEL HEATING APPLIANCE PERMIT FEES

WHEREAS: The City of Sandpoint has adopted a solid fuel heating appliance ordinance which provides for the establishment of certain fees to be set by resolution adopted by the city council.

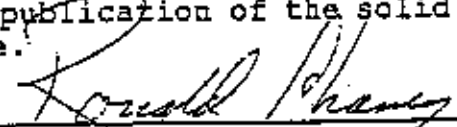
NOW, THEREFORE, BE IT RESOLVED THAT: The City Council of the City of Sandpoint hereby adopts the following fee schedule for solid fuel heating appliance permit fees:

For the initial installation of
a solid fuel heating appliance \$ 22.00

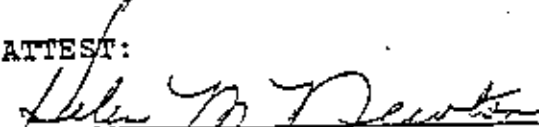
For the installation, relocation or
replacement of each solid fuel heating
appliance vent which was not included
in the initial installation of the appliance \$ 6.50

For each appliance or piece of equipment
regulated but not classed in other
appliance categories or for which no
other fee is listed in the applicable code \$ 9.50

BE IT FURTHER RESOLVED THAT: Said permit fees shall become effective immediately upon publication of the solid fuel heating appliance ordinance.


Ronald G. Chaney, Mayor

ATTEST:


Helen M. Newton, City Clerk

| CITY COUNCIL MEMBERS | YES | NO | ABSTAIN | ABSENT |
|----------------------|-----|----|---------|--------|
| (1) Miller - Motion | X | | | |
| (2) Hanson - Second | X | | | |
| (3) Vandenberg | | X | | |
| (4) Sawyer | X | | | |
| (5) Johnson | X | | | |
| (6) Staglund | X | | | |